

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

THE CHURCH OF JESUS CHRIST)	
CHRISTIAN/ARYAN NATIONS OF)	
MISSOURI, et al.,)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No. 08-03405-CV-S-DGK
)	
SENATOR BARACK HUSSEIN)	
OBAMA, et al.,)	
)	
)	
Defendants.)	

ORDER

As of October 17, 2011 the case has been dismissed as to all parties except Governor Jay Nixon. On November 1, 2010, the United States Marshal's Service was ordered to effect personal service on Governor Nixon using the customary practices of that office (Doc. 24). On November 3, 2010, United States Marshal C. Mauri Sheer informed Plaintiffs that due to the Court's denial of Plaintiffs' "forma pauperis" status, the summons and complaint would not be delivered to Governor Nixon until Plaintiffs paid an advance deposit of \$56 (Doc. 25). As of March 21, 2011, Plaintiffs had not paid the required deposit, and there was no other activity in the case with regard to Governor Nixon. On that date, this Court ordered Plaintiffs to show cause on or before April 11, 2011 as to why the case should not be dismissed for failure to prosecute Governor Nixon (Doc. 29).

As of today's date, Plaintiffs have yet to serve Governor Nixon with process as required by the Federal Rules of Civil Procedure. The Court cannot render judgment against a defendant unless the defendant has been served with process, has waived service, or has entered an

appearance. *Omni Capital Int'l v. Rudolf Wolff & Co.*, 484 U.S. 97, 104 (1987). As Plaintiffs have failed to comply with this requirement, it is hereby ORDERED that the case is dismissed without prejudice as to Governor Jay Nixon.

Date: October 17, 2011

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT